

REMARKS

Claims 3-29 are pending in this application. By this Amendment, claims 1 and 2 are canceled without prejudice or disclaimer, claims 11 and 16 are amended and claims 21-29 are added.

The Office Action rejects claims 1-20 under the judicially created doctrine of double patenting over claims 1-26 of U.S. Patent 6,349,224 to Lim. The rejection is respectfully traversed since Lim's claims do not recite all the features of the presently pending claims.

Independent claim 3 recites when the call is requested according to the particular service option, setting up a RLP between the first mobile station, an origination side base station, and the MSC through a VCE in a base station controller. Independent claim 3 further recites that when the second mobile station makes a response to the paging according to the particular service option, setting up a RLP between the second mobile station, the destination side base station, and the base station controller through the VCE. Independent claims 6, 11, 16, 21 and 25 all include features relating to a VCE of a base station controller. Lim does not claim features relating to setting up a RLP through a VCE in a base station controller. Accordingly, since Lim does not claim these features (and those features would not have been obvious as set forth below), the rejection based on the judicially created doctrine of double patenting should be withdrawn.

The Office Action rejects claims 1-10 under 35 U.S.C. §102(e) by U.S. Patent 6,349,224 to Lim. The Office Action also rejects claims 11-20 under 35 U.S.C. §102(e) by U.S. Patent 6,681,121 to Preston et al. (hereafter Preston). The rejections are respectfully traversed.

As discussed above, independent claim 3 (and similarly independent claim 21) recites when the call is requested according to the particular service option, setting up a RLP between the first mobile station, an origination side base station, and the MSC through a VCE in a base station controller. Independent claim 3 further recites that when the second mobile station makes a response to the paging according to the particular service option, setting up a RLP between the second mobile station, the destination side base station, and the base station controller through the VCE.

The Office Action appears to rely on Lim's col. 4, line 30-col. 5, line 4 for these claimed features. However, Lim does not teach or suggest features relating to the VCE as recited in independent claim 3. More specifically, Lim does not suggest setting up a RLP through a VCE in a base station controller and/or setting up a RLP through the VCE. Thus, independent claim 3 (and similarly independent claim 21) defines patentable subject matter.

Each of the other independent claims 6, 11, 16, 21 and 25 define patentable subject matter for at least similar reasons. Lim does not relate to a VCE in a base station controller and therefore does not suggest the respective features of each of the independent claims. For example, independent claim 6 (and similarly independent claim 25) recites a base station controller for setting up a RLP between the origination mobile station, an MSC and the

destination side base station through a VCE therein, when a call for the data service is requested according to the particular service option. Lim does not teach or suggest these features.

Additionally, Preston, with or without Lim, does not teach or suggest the first communication path and the second communication path both passing through a voice channel element (VCE) of a base station controller as recited in independent claim 11. Furthermore, Preston, with or without Lim, does not teach or suggest setting up a radio link protocol (RLP) through a voice channel element (VCE) in a base station controller when a call is requested according to a particular service option as recited in independent claim 16. Thus, each of independent claims 11 and 16 define patentable subject matter for at least this additional reason.

For at least the reasons set forth above, each of independent claims 3, 6, 11, 16, 21 and 25 define patentable subject matter. Claims 4-5 depend from claim 3, claims 7-10 depend from claim 6, claims 12-15 depend from claim 11, claims 17-20 depend from claim 16, claims 22-24 depend from claim 21 and claims 26-29 depend from claim 25 and therefore define patentable subject matter at least for this reason. In addition, the dependent claims contain features that further and independently distinguish over the applied references.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 3-29 are earnestly solicited. If the Examiner believes that any additional changes would place the application in

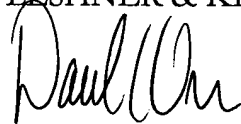
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better condition for allowance, the Examiner is invited to contact the undersigned attorney, **David C. Oren**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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